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City of North Las Vegas

and

Clark County Water Reclamation District

Interlocal Pretreatment Contract

December 24, 2015



Interlocal Pretreatment Contract

Between the City of North Las Vegas

and

Clark County Water Reclamation District

This Interlocal Pretreatment Contract (IPC) is entered into this ____ day of _____, 20__, between City of North Las Vegas (“City”) and Clark County Water Reclamation District (“CCWRD”). This IPC supersedes the Interlocal Pretreatment Contract between the City and CCWRD dated November 2, 1994.

RECITALS

1. NRS 277.180 provides that two or more political subdivisions of the State of Nevada may enter into Interlocal contracts for the performance of a governmental function.
2. The City of North Las Vegas (City) owns and operates a Publicly Owned Treatment Works (POTW) which includes a wastewater collection system.
3. Clark County Water Reclamation District (“CCWRD”) owns and operates a POTW including a wastewater collection system.
4. Certain areas of the City have a wastewater collection system owned and maintained by the City that ultimately discharges wastewater to the CCWRD wastewater collection system and treated at the CCWRD wastewater treatment plant.
5. This Interlocal Pretreatment Contract applies to the regulation of industrial users as defined in 13.28.02 of the City of North Las Vegas Municipal Code that discharge wastewater to the City wastewater collection system that is ultimately treated by the CCWRD treatment plant.
6. The City and CCWRD must each implement and enforce an EPA-approved Pretreatment Program to control discharges from industrial users as a requirement of the City’s National Pollutant Discharge Elimination System (NPDES) permit (NV0023647) and the CCWRD’s NPDES permit (NV0021261) consistent with 40 CFR Part 403.
7. The City and CCWRD are required to enter into “... contracts or joint powers agreements” to allow the POTW to apply and enforce the requirements of sections 307(b) and (c), and 402(b)(8) of the Clean Water Act and any regulations implementing those sections, including 40 CFR Part 403 pursuant to 40 CFR Section 403.8(f)(1).

INTERLOCAL PRETREATMENT CONTRACT

1. The City will fully implement and enforce its EPA approved Municipal Code Section 13.28, which incorporates the CCWRD Pretreatment Regulations by reference, as amended.
2. CCWRD will fully implement and enforce its EPA Approved Pretreatment Program and shall revise its Pretreatment Regulations to incorporate by reference, Section 13.28 of the City Municipal Code, as amended.
3. Industrial users covered by this IPC shall comply with all Pretreatment Standards and Requirements of the City and the CCWRD.
4. The City and CCWRD will take all actions necessary to ensure that industrial users within each jurisdiction's legal boundaries are subject to an approved pretreatment program to the extent required by 40 CFR 403.8, including the performance of all technical and administrative duties necessary to implement and enforce all applicable Pretreatment Standards and Requirements and the approved Pretreatment Program.
5. 40 CFR Part 403 and the City and CCWRD EPA-approved Pretreatment Program requires specific activities to be fully implemented and enforced. For each activity, this IPC designates a lead agency to implement and enforce the Pretreatment Program for City industrial users that discharge wastewater to CCWRD. In the event that industrial users located within the jurisdiction of the County discharge to the City, this IPC shall apply and the lead roles will switch, as applicable.
6. The City and CCWRD agree as follows:

Activity and Required Coordination	City as Lead Agency?	Clark County WRD as Lead Agency?
<p>Update the Industrial Waste Survey. Lead Agency shall:</p> <p>A. Provide a copy of the updated listing and identification of the business activity of all non-domestic users discharging to CCWRD by January 15 of the year;</p> <p>B. Provide a determination as to whether or not each Industrial User (IU) is a Significant Industrial User or other IU to be regulated by January 15 each year.</p> <p>C. New IUs: Require each new or existing IU that is obtaining a building permit to complete an Industrial Waste Survey (IWS).</p> <p>D. Provide a copy of the completed IWS within 30 days of receipt if discharging to CCWRD.</p>	Yes	No ^(a)
Notify industrial users of requirements.	Yes	Yes ^(b)

Activity and Required Coordination	City as Lead Agency?	Clark County WRD as Lead Agency?
<p>Issuance of control mechanisms, including permits.</p> <p>A. CCWRD will provide a draft permit thirty (30) days prior to issuance for review and comment. The City shall have fourteen (14) days to review the permit and provide comments on the draft permit. Comments shall be made by email or via US Mail.</p> <p>B. CCWRD will resolve all permit comments made by the City prior to issuance of the IU permit.</p> <p>C. All permits will include General and Specific Prohibitions that have been adopted by both the City and CCWRD, limits adopted by the City for protection of the collection system and any Pretreatment Standards and Requirements as necessary.</p> <p>D. CCWRD shall provide a copy of all permits for industrial users covered by this IPC within seven (7) day of issuance.</p> <p>E. CCWRD and the City shall agree on a specific format and content for all permit applications for IUs covered by this IPC.</p> <p>F. CCWRD shall provide a copy of the completed permit application within seven (7) days of receipt.</p>	No	Yes
<p>Receive and review IU reports</p> <p>A. Provide copies of reports submitted by industrial users to City within fourteen (14) days of receipt.</p>	No ^(c)	Yes
<p>Industrial User Notifications:</p> <p>A. Provide a copy of each notification received by an IU to the City, including change in discharge, hazardous waste discharge, 24-hour notice of violation, upset and bypass notifications.</p>	No ^(c)	Yes
<p>Slug Discharge Notification</p> <p>A. Provide immediate notification to the Pretreatment Program lead staff and Wastewater Superintendent/Administrator.</p> <p>B. Coordinate response(s) to a notification to the extent possible.</p>	Yes ^(d)	Yes ^(d)

Activity and Required Coordination	City as Lead Agency?	Clark County WRD as Lead Agency?
<p>Conduct inspections (also see Conduct compliance monitoring)</p> <p>A. Notify City in writing via email or US Mail, of the date and invitation to attend at least fourteen (14) days prior to the IU inspection.</p> <p>B. For emergency or demand inspections, the City will notify via phone and/or email as soon as possible.</p> <p>C. Provide a copy of the inspection report within 60 days of conduct of the inspection.</p>	No ^(e)	Yes
<p>Implement FOG program</p> <p>A. CCWRD shall notify the City of any grease accumulation observed directly downstream of any industrial users in the City's collection system.</p> <p>B. City shall implement its grease control program.</p>	Yes	No
<p>Conduct compliance monitoring (also see Conduct Inspections)</p> <p>A. Notify the City, in writing via email or US Mail, of the date and invitation to attend at least fourteen (14) days prior to the IU site visit.</p> <p>B. For emergency or demand sampling, CCWRD will notify the City via phone and email as soon as possible.</p> <p>C. Allow the City to set up a second, parallel sampler if desired (no split samples).</p> <p>D. Provide a copy of the results of the sampling event within sixty (60) days of conduct of the sampling.</p>	No ^(e)	Yes
<p>Informal enforcement for violations</p> <p>A. Provide a copy of all actions in response to a violation, including copies of record of communications, emails, letter, etc. at the same time the action or notice is provided to the industrial user.</p> <p>B. Notify each jurisdiction of any other industrial user violations not covered in item A. on a quarterly basis.</p>	No ^(f)	Yes ^(f)

Activity and Required Coordination	City as Lead Agency?	Clark County WRD as Lead Agency?
<p>Formal Enforcement for violations</p> <p>A. Provide a copy of all violation actions, including copies of all enforcement documents, at the same time the action or notice is provided to the industrial user.</p> <p>B. Keep the City briefed on anticipated enforcement cases and actions not already provided in item A, as soon as possible.</p>	No ^(f)	Yes ^(f)
<p>Emergency Authority to halt discharges</p> <p>A. Immediately notify the Utilities Director, Pretreatment Program Manager and Wastewater Superintendent/Administrator immediately of the intent to exercise emergency authority.</p>	Yes ^(d)	Yes ^(d)
<p>Administration</p> <p>A. Annual Report Preparation for the Industrial Users covered by this IPC. Submit the required information to the other jurisdiction by March 31st of each calendar year.</p> <p>B. Establish procedures to ensure that records are available for review by either jurisdiction without delay.</p> <p>C. Hold a quarterly meeting between Pretreatment staff regarding implementation issues and activities surrounding this IPC. The quarterly meeting shall alternate locations unless otherwise agreed to.</p>	Yes	Yes
<p>(a) CCWRD would provide the information for industrial users located in its jurisdiction discharge wastewater to the City.</p> <p>(b) CCWRD may contact any industrial user covered by this IPC to provide notification of specific CCWRD requirements.</p> <p>(c) If the City receives reports from IUs not copied to CCWRD, the City shall provide these to CCWRD.</p> <p>(d) Each jurisdiction shall make immediate notice to the other jurisdiction if notified of a Slug Discharge or exercise of their emergency authority.</p> <p>(e) The City may conduct inspections and sampling independently of CCWRD using the same coordination activities specified above.</p> <p>(f) The City may take enforcement action where CCWRD fails to take a timely and appropriate enforcement action as defined in the City and CCWRD Enforcement Response Plan.</p>		

7. Where industrial users located within the City discharge to CCWRD, the City will indemnify CCWRD for all damages, fines and costs either incurred as a result of industrial wastewater discharged from industrial users of the City or from the failure of the City to comply with this IPC.
8. Where industrial users located within the County discharge to the City, CCWRD will indemnify the City for all damages, fines and costs either incurred as a result of industrial wastewater discharged from industrial users of the CCWRD or from the failure of the CCWRD to comply with this IPC.
9. The parties shall comply with all federal, state and local laws, rules and regulations that are now, or in the future may become applicable to the parties during the term of this IPC, including EPA approved updates to the City and CCWRD Pretreatment Program.
10. If any term of this IPC is held to be invalid in any judicial action, the remaining terms of this IPC will be unaffected.
11. The City and CCWRD will review and revise this IPC, as necessary, to ensure compliance with the City and CCWRD NPDES permits, EPA-approved modifications to the Pretreatment Program and changes to 40 CFR Part 403 or other state or federal regulations that affect the implementation and enforcement of the Pretreatment Program. This review shall occur during the second quarter, every five (5) years beginning in 2021.
10. Either Party may terminate this IPC by providing 90 days written notice to the other Party. All benefits and obligations under this IPC will cease following 90 days from receipt of such notice.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date written above.

CITY OF NORTH LAS VEGAS

John J. Lee, Mayor

ATTEST:

Barbara A. Andolina, City Clerk

APPROVED AS TO FORM:

Sandra Douglass Morgan, City Attorney

CLARK COUNTY WATER
RECLAMATION FACILITY

, Chairman

ATTEST:

, Secretary

APPROVED AS TO LEGALITY ONLY:

, Deputy District Attorney